

REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL
October 20, 2003

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** was held on Monday, October 20, 2003, at 7:40 p.m., in the Assembly Room, Berkeley County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina.

PRESENT: Mr. James H. Rozier, Jr., Supervisor-Chairman; Mr. Milton Farley, Councilmember District No. 1; Ms. Judith K. Spooner, Councilmember District No. 2; Mr. William E. Crosby, Councilmember District No. 3; Mr. Dennis L. Fish, Councilmember District No. 5; Mrs. Judy C. Mims, Councilmember District No. 6; Mr. Caldwell Pinckney, Jr., Councilmember District No. 7; Mr. Steve C. Davis, Councilmember District 8; Mr. D. Mark Stokes, County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Charles E. Davis, Councilmember District No. 4, was excused from this Regular Council Meeting.

Pursuant to the Freedom of Information Act, notice of the meeting date, time, place and agenda was posted on the bulletin board at the entrance of the County Office Building, 223 N. Live Oak Drive, Moncks Corner, South Carolina and the Berkeley County Library, and mailed to the newspapers, radio stations, television stations and concerned citizens.

Chairman Rozier called the meeting to order; Councilmember Spooner led in the invocation; and Councilmember Crosby led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Rozier asked Council's approval of the Minutes for Public Hearings held on September 22, 2003 for the following items: Local Law Enforcement Grant; Bills Numbered 03-43, 03-44, 03-45; and Bill No. 03-48 (Marine Barge Co., LLC.) Regular Council Meeting, September 22, 2003.

It was moved by Councilmember Crosby and seconded by Councilmember Fish to approve the minutes as presented. The motion passed by unanimous voice vote of the Council.

No one signed up for **PUBLIC DISCUSSION**.

Chairman Rozier stated an Executive Session was needed to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

It was moved by Councilmember Spooner and seconded by Councilmember Crosby to enter into Executive Session for the reason stated. The motion passed by unanimous voice vote of Council.

Berkeley County Council entered Executive Session at 7:41 p.m. and returned at 8:12 p.m.

Mr. D. Mark Stokes, County Attorney, stated Berkeley County Council went into Executive Session to discuss matters as stated in the motion. No formal action was taken.

CHAIRMAN OF COUNTY COUNCIL

Chairman Rozier read into the record a response regarding allegations against Mr. Steve C. Davis for the use of County stationary for political party purposes. The **Findings by the Ethics Commission** states, *"having carefully reviewed the evidence presented, the Commission finds as fact the respondent is currently a member of Berkeley County Council. The respondent used one sheet of Berkeley County stationary in a letter intended for Ronald Hughes, Chairman of the County Democrat Party. However, the letter was inadvertently mailed to the Chairman of Berkeley County Council. The letter contained language promoting the Democratic Party. The letter was typed by the respondent's private secretary and was mailed using his law firm's postage. Inclusion of law based on the foregoing findings of fact the Commission includes as a matter of law Section 8-13-765 and Section 8-13-1346 saying that no person may use public time, personnel, equipment and material to influence an election."* **Discussion:** *"Due to the fact that the letter did not advocate the election or defeat of a specific candidate, and the miniscule amount of public property used by the respondent the Commission is dismissing this complaint. However, in order to avoid even the appearance of impropriety in any election related activity, the commission cautions the respondent to be more diligent in the future and avoid any use of public property."* **Decision:** *"Therefore, based upon evidence presented, the State's Ethics Commission has determined that there is no probable cause to indicate that the respondent, **Steve C. Davis**, violated Section 8-13-765 and 8-13-1346 South Carolina Code amended 1976. The Commission has therefore dismissed the charges in accordance with Section 8-13-320 (10) (I) Code of Laws of South Carolina 1976 as amended in the rules and regulations promulgated thereunder."*

Chairman Rozier stated that ruling settles and concludes the findings by the State Ethics Commission Re: Steve C. Davis.

Councilmember Steve Davis thanked Councilmember Dennis Fish stating, "Out of all my colleagues who were present at that time, he was the only member that actually came back to me later and apologized. I want to say that I appreciated his apology, I think it was heartfelt, and I'm thankful to put this behind us so we may move forward."

Chairman Rozier stated there were 8 Bills for Third Reading.

THIRD READINGS:

1. “**BILL NO. 03-49**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT AND STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #222-11-00-027.” (*Jennifer & Chuck Stewart*)

It was moved by Councilmember Fish and seconded by Councilmember Spooner to approve Bill No. 03-49 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-57 is attached to these Minutes.)

2. “**BILL NO. 03-50**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT AND STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #142-14-00-006.” (*Arnold Singletary for Cohen Gaskins*)

It was moved by Councilmember Crosby and seconded by Councilmember Mims to approve Bill No. 03-50 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-58 is attached to these Minutes.)

3. “**BILL NO. 03-51**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT AND STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #209-06-00-017.” (*June Valimont for Emily Chaffin*)

It was moved by Councilmember Farley and seconded by Councilmember Fish to approve Bill No. 03-51 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-59 is attached to these Minutes.)

4. “**BILL NO. 03-52**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT AND STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #244-05-01-006.” (*Arthur & Cleveland Seel*)

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve Bill No. 03-52 for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-60 is attached to these Minutes.)

5. “**BILL NO. 03-53**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT AND STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #222-00-00-002.” (*Fred St. Laurent, Jr. for Lottie Atman*)

It was moved by Councilmember Fish and seconded by Councilmember Spooner to approve **Bill No. 03-53** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-61 is attached to these Minutes.)

6. “**BILL NO. 03-54**, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT AND STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #180-14-02-018.” (*Richard Hartley*)

It was moved by Councilmember Spooner and seconded by Councilmember Mims to approve **Bill No. 03-54** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-62 is attached to these Minutes.)

7. “**BILL NO. 03-55**, AN ORDINANCE GRANTING A FRANCHISE FOR THE CONSTRUCTION, ACQUISITION, OPERATION, AND MAINTENANCE OF A CABLE TELEVISION SYSTEM WITHIN THE SPECIFIC UNINCORPORATED AREAS OF THE COUNTY OF BERKELEY TO BERKELEY CABLE TELEVISION, INC. AND TO REPEAL ORDINANCE NUMBER 95-10-37 IN ITS ENTIRETY.”

It was moved by Councilmember Steve Davis and seconded by Councilmember Pinckney to approve **Bill No. 03-55** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-63 is attached to these Minutes.)

Chairman Rozier stated that #8, **BILL NO. 03-56** has been *held*.

9. **BILL NO. 03-57**, AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF BERKELEY COUNTY, SOUTH CAROLINA, **SOLID WASTE HAULERS SURETY BONDS.**”

It was moved by Councilmember Spooner and seconded by Councilmember Fish to approve **Bill No. 03-57** for Third and Final Reading. The motion passed by unanimous voice vote of Council. (A copy of Ordinance No. 03-10-64 is attached to these Minutes.)

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

It was moved by Councilmember Mims and seconded by Councilmember Fish that all Bills be given Second Reading by one motion as a group. The motion passed by unanimous voice vote of Council.

SECOND READINGS:

1. **“BILL NO. 03-58, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #087-00-05-034.”** (*Edwardine Harrell*)

2. **“BILL NO. 03-59, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #222-11-00-066.”** (*Amam Abbas*)

3. **“BILL NO. 03-60, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #271-00-02-146.”** (*Aaron & Eli Hyman*)

4. **“BILL NO. 03-61, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #263-00-01-010.”**

It was moved by Councilmember Mims and seconded by Councilmember Crosby to approve **Bills Numbered 03-58, 03-59, 03-60, and 03-61** for Second Reading. The motion passed by unanimous voice vote of Council.

Chairman Rozier indicated there were fourteen (14) Bills for First Reading and explained that on Bills for First Reading there is no vote or discussion. They are simply read into the record by title and sent to the proper committee for consideration.

FIRST READINGS:

1. **“BILL NO. 03-62, AN ORDINANCE AMENDING THE BERKELEY COUNTY WATER AND SANITATION AUTHORITY PERSONNEL ORDINANCE, BERKELEY COUNTY, SOUTH CAROLINA.”**

2. **“BILL NO. 03-63, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #222-00-00-067.”** (*Gerald Morgan*)

3. **“BILL NO. 03-64, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #196-09-01-028.”** (*Eugene and Alesia Burns*)

4. **“BILL NO. 03-65, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #065-00-00-088.”** (*Leslie B. Dyches*)

5. **“BILL NO. 03-66, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #271-00-01-035.”** (*Clouter Point & Clements Ferry Properties, LLC*)

6. **“BILL NO. 03-67, AN ORDINANCE TO REDUCE THE ASSESSMENT RATIO APPLICABLE TO GENERAL AVIATION AIRCRAFT SUBJECT TO PROPERTY TAX IN BERKELEY COUNTY TO FOUR PERCENT (4%) OF THE FAIR MARKET VALUE OF THE AIRCRAFT.”**

7. **“BILL NO. 03-68, AN ORDINANCE TO AMEND THE AGREEMENT FOR DEVELOPMENT OF A JOINT COUNTY INDUSTRIAL PARK EXECUTED ON APRIL 24, 1995, BY AND AMONG BERKELEY COUNTY, SOUTH CAROLINA, AND WILLIAMSBURG COUNTY, SOUTH CAROLINA, PROVIDING FOR THE DEVELOPMENT OF A JOINTLY OWNED AND OPERATED INDUSTRIAL/BUSINESS PARK SO AS TO INCLUDE ADDITIONAL PROPERTY IN BOTH BERKELEY COUNTY AND WILLIAMSBURG COUNTY AS PART OF THE JOINT COUNTY INDUSTRIAL PARK, AND OTHER MATTERS RELATING THERETO.”**

8. **“BILL NO. 03-69, AN ORDINANCE AUTHORIZING, PURSUANT TO CHAPTER 44 OF TITLE 12, SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED, THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BETWEEN BERKELEY COUNTY, SOUTH CAROLINA AND DJL LAND COMPANY, LLC; AND MATTERS RELATING THERETO.”**

9. **“BILL NO. 03-70, AN ORDINANCE AUTHORIZING: (1) ACQUISITION BY BERKELEY COUNTY, SOUTH CAROLINA (THE "COUNTY") OF CERTAIN REAL AND PERSONAL PROPERTY; (2) A LEASE PURCHASE AGREEMENT BETWEEN THE COUNTY, AS LESSOR, AND VAN SMITH BLOCK COMPANY, LLC AS LESSEE, WITH RESPECT TO THE PERSONAL AND REAL PROPERTY SO ACQUIRED; (3) PAYMENT BY SUCH LESSEE OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; (4) THE RECONVEYANCE OF SUCH PROPERTY PURSUANT TO THE TERMS OF SUCH LEASE PURCHASE**

AGREEMENT; (5) THE PLACEMENT OF SUCH REAL PROPERTY INTO A MULTI-COUNTY INDUSTRIAL PARK AND (6) CERTAIN OTHER MATTERS RELATED THERETO.

10. **“BILL NO. 03-71, AN ORDINANCE TO AMEND THE BUDGET OF THE BERKELEY COUNTY SPECIAL FIRE TAX DISTRICT, ORDINANCE NUMBER 03-06-37, BY PROVIDING FOR DISTRIBUTION OTHER THAN THOSE PREVIOUSLY APPROVED.”**

11. **“BILL NO. 03-72, AN ORDINANCE TO AMEND SECTION VII OF ORDINANCE 03-06-38, THE BERKELEY COUNTY BUDGET ORDINANCE FOR 2003-2004, TO ELIMINATE THE EXPRESS PROVISIONS REGARDING RATES AND PER DIEM FOR TRAVEL EXPENSE REIMBURSEMENT AND TO PROVIDE FOR THE ESTABLISHMENT OF RATES BY RESOLUTION.”**

12. **“BILL NO. 03-73, AN AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #233-16-03-034.”** (*Charlene Vaughn*)

13. **“BILL NO. 03-74, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #242-04-01-046.”** (*CDJ, Incorporated*)

14. **“BILL NO. 03-75, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAP OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARDS TO APPROVED USES OF TMS #271-00-02-022.”** (*Jimmie Green*)

RESOLUTIONS:

1. **“RESOLUTION, PROVIDING FOR THE TRANSFER OF FUNDS IN THE 2003-2004 BERKELEY COUNTY BUDGET FOR COUNTY PURPOSES OTHER THAN AS SPECIFIED IN SAID BUDGET.”**

It was moved by Councilmember Crosby and seconded by Councilmember Fish to adopt the Transfer Resolution as presented. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-49 is attached to these Minutes.)

2. **“RESOLUTION, TO FURTHER IDENTIFY IMPROVEMENTS AS DEFINED IN ORDINANCE NUMBER 03-07-42 AND TO PROCLAIM RECOMMENDED PROJECTS FOR THE 2003 COUNTY BOND ISSUE.”**

It was moved by Councilmember Fish and seconded by Councilmember Crosby to adopt the Resolution Re: recommended projects for the 2003 Berkeley County Bond Issue.” The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-50 is attached to these Minutes.)

3. “RESOLUTION, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INDUCEMENT AND MILLAGE RATE AGREEMENT BY AND BETWEEN BERKELEY COUNTY, SOUTH CAROLINA (THE "COUNTY"), AND VAN SMITH BLOCK COMPANY, LLC (THE "COMPANY"), WHEREBY, UNDER CERTAIN CONDITIONS, THE COUNTY WILL (A) EITHER ACQUIRE TITLE TO CERTAIN INDUSTRIAL PROPERTY FOR LEASE TO THE COMPANY OR WILL ENTER INTO A FEE AGREEMENT WITH THE COMPANY WITH RESPECT TO SUCH PROPERTY AND COVENANT IN SUCH LEASE OR FEE AGREEMENT TO ACCEPT CERTAIN FEES IN LIEU OF AD VALOREM TAXES WITH RESPECT TO SUCH PROPERTY AND (B) AGREE TO PLACE SUCH PROPERTY IN A MULTI- COUNTY INDUSTRIAL PARK.”

It was moved by Councilmember Fish and seconded by Councilmember Crosby to approve the Resolution Re: Van Smith Block Company, LLC. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-51 is attached to these Minutes.)

4. “RESOLUTION, ACCEPTING THE TRANSFER OF CERTAIN PROPERTY LOCATED IN THE SANGAREE AREA FOR THE USE OF A PUBLIC LIBRARY AND TO PROVIDE FOR THE RETURN OF THE PROPERTY IN THE EVENT THAT IT IS NOT USED FOR A PUBLIC LIBRARY.”

It was moved by Councilmember Crosby and seconded by Councilmember Spooner to approve the Resolution Re: property location in Sangaree. The motion passed by unanimous voice vote of Council. (A copy of Resolution No. R 03-52 is attached to these Minutes.)

REPORTS FROM STANDING COMMITTEES:

COMMITTEE ON FINANCE, Mr. Dennis L. Fish, Chairman.

Councilmember Fish stated the Committee on Finance met earlier and many of the matters before the Committee had been taken care of on tonight’s agenda.

Councilmember Fish stated Mr. Oliver Buckles of the Berkeley County Chamber of Commerce provided the Committee with information regarding the Accommodations Tax; no action was required.

On recommendation of the Committee Councilmember Fish moved to approve a six-week extension for a temporary employee in the Auditor's Office in the amount of \$1,549.14 to come from Contingency. (No Second required)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Fish's report.)

COMMITTEE ON LAND USE, Mr. Milton Farley, Chairman.

Councilmember Farley stated the Committee on Land Use met earlier and all matters before the Committee had been taken care of on tonight's agenda. (That concluded Mr. Farley's report.)

COMMITTEE ON PUBLIC WORKS & PURCHASING, Mr. Caldwell Pinckney, Jr., Chairman.

Councilmember Pinckney stated the Committee on Public Works & Purchasing met on October 13; on recommendation of the Committee Mr. Pinckney moved to award the contract for the AS400 replacement to **DyComp, Inc.** in the amount of \$577,467.00. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to award the contract for three full-sized utility vehicles to **Vic Bailey Ford, Inc.**, in the amount of \$76,017.00. (No Second Required)

The motion passed by unanimous voice vote of Council.

On recommendation of the Committee Councilmember Pinckney moved to limit the purchase of a Motorgrader from **Blanchard Machinery (Caterpillar)** and/or **Mitchell Distributing**, a Komatsu Dealer. (No Second required)

The motion passed by unanimous voice vote of Council.

Also, on recommendation of the Committee, Councilmember Pinckney moved to award the contract for the Lower Berkeley Waste Water Treatment Plant Headworks Building Improvements to **Good Water** in the amount of \$1,988,000. (No Second required)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Pinckney's report.)

COMMITTEE ON JUSTICE & PUBLIC SAFETY, Mrs. Judy C. Mims, Chairman.

Councilmember Mims stated the Committee on Justice and Public Safety met on October 13 and on recommendation of the Committee she moved to approve the application for a Homeland Security Grant allocated to Berkley County. (No Second required.)

The motion passed by unanimous voice vote of Council.

Councilmember Mims stated Mr. Benjamin Grinder with Motorola Incorporated provided the Committee with information in regard to Public Safety Communication Interoperability. A workshop was recommended, which has been canceled. No further action was required. (That concluded Mrs. Mims' report.)

COMMITTEE ON WATER AND SANITATION, Mr. Steve C. Davis, Chairman.

Councilmember Steve Davis stated the Committee on Water and Sanitation met on October 13 and on recommendation of the Committee he moved to approve the Standby Service Area Agreement with the Town of Moncks Corner. (No Second required.)

The motion passed by unanimous voice vote of Council.

Councilmember Davis stated that Mr. Micah Miley, Berkeley County Water and Sanitation Engineering Superintendent, provided the committee with information in regard to Standards for potable water systems and sanitary sewer systems connecting to the Authority Systems. No action was required. (That concluded Mr. Steve Davis' report.)

COMMITTEE ON COMMUNITY SERVICES, Mrs. Judith K. Spooner, Chairman.

Councilmember Spooner stated the Committee met on October 13 and on recommendation of the Committee she moved to approve the appointment of a Committee consisting of the Vice-Chairman of County Council, Mr. William Crosby, and Deputy Supervisor, Mr. Robert Metts, to negotiate a lease with Trident Hospital for a possible Berkeley County satellite library in Daniel Island. (No Second Required.)

The motion passed by unanimous voice vote of Council.

Councilmember Spooner indicated that a Resolution was adopted earlier on tonight's agenda approving the receipt of property in the Sangaree Area for another Berkeley County satellite library. (That concluded Mrs. Spooner's report.)

There was no report from the **COMMITTEE ON HUMAN SERVICES**, Mr. William E. Crosby, Chairman.

COMMITTEE ON PLANNING & DEVELOPMENT, Mr. Charles E Davis, Chairman.

In the absence of Mr. Charles Davis Councilmember Crosby reported the Committee on Planning & Development met on October 13 and on recommendation of the Committee he moved to establish a training program for the Board of Zoning and Appeals. (No Second Required)

The motion passed by unanimous voice vote of Council. (That concluded Mr. Charles Davis' report.)

There were no **NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.**

There was no **CORRESPONDENCE.**

UNFINISHED BUSINESS

1. D & S Debarment

Chairman Rozier stated the question of D&S Debarment had been settled and no further action would be necessary.

There was no **NEW BUSINESS.**

Chairman Rozier announced that the next Regular Meeting of Berkeley County Council would be held on Monday, November 17, 2003 immediately following Public Hearings and a meeting of the Committee on Finance at 6:00 p.m.

It was moved by Councilmember Crosby and seconded by Councilmember Steve C. Davis to adjourn. The motion passed by unanimous voice vote of Council.

The Regular Council Meeting of Berkeley County Council adjourned at 8:35 p.m.

S/Barbara B. Austin
Clerk of County Council

November 17, 2003
Date Approved

The **REGULAR MONTHLY MEETING OF BERKELEY COUNTY COUNCIL** to be held on **Monday October 20, 2003**, is scheduled to begin immediately following Public Hearings, the Committee on Finance and the Committee on Land Use at 6:00 P.M., in the **ASSEMBLY ROOM, BERKELEY COUNTY OFFICE BUILDING, 123 NORTH LIVE OAK DRIVE, MONCKS CORNER, S. C.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

Public Hearing: Local Law Enforcement Grant	September 22, 2003
Public Hearings: Bills Numbered: 03-43, 03-44, 03-45	September 22, 2003
Public Hearing: Bill Numbered 03-48 (Marine Barge Co., LLC)	September 22, 2003
Regular Council Meeting	September 22, 2003

PUBLIC DISCUSSION - Request to be heard must be made prior to Call to Order and comments must be limited to Agenda items being considered for final action.

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversary situations involving the assertion against the County of a claim.

CHAIRMAN OF COUNTY COUNCIL

THIRD READING:

1. **Bill No. 03-49**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: Jennifer & Chuck Stewart, 601 Myers Road, Summerville, TMS# 222-11-00-027, (1.94 acres), **from GC, General Commercial District, to R-1MM, Multi-Section Manufactured Residential District.** Council District 4.

[Recommended by Committee on Land Use]

2. **Bill No. 03-50**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Arnold Singletary for Cohen Gaskins**, 726 S. Live Oak Drive, Moncks Comer, TMS# 142-14-00-001 1, (1 lot), **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District 8.

[Recommended by Committee on Land Use]

3. **Bill No. 03-51**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **June Valimont for Emily Chaffin**, 308 Pye Lane, Summerville, TMS# 209-06-00-017, (4.58 acres), **from R-2 Mobile Home Residential District, to R2-RF, Mobile Home Rural Farm Residential District**. Council District 6.

[Recommended by Committee on Land Use]

4. **Bill No. 03-52**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Arthur & Cleveland Seel**, Liberty Hall Road, Goose Creek, TMS# 244-05-01-006, (1.15 acres), **from R-2, Mobile Home Residential District, to CG, General Commercial District**. Council District 3. [Recommended by Committee on Land Use]

5. **Bill No. 03-53**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Fred St. Laurent, Jr. for Lottie Altman**, 2833 N. Main St., Summerville, TMS# 222-00-00-002, (1 lot), **from PDMU, Planned District Mixed Use, to GC, General Commercial District**. Council District 4. [Recommended by Committee on Land Use]

6. **Bill No. 03-54**, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Richard Hartley**, 2155 S. Live Oak Dr., Moncks Comer, TMS# 180-14-02-018, (1 lot), **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District 6. [Recommended by Committee on Land Use]

7. **Bill No. 03-55**, An Ordinance granting a franchise for the construction, acquisition, operation, and maintenance of a cable television system within the specific unincorporated areas of the County of Berkeley to **Berkeley Cable Television, Inc.** and to repeal Ordinance Number 95-10-37 in its entirety. [Recommended by Committee on Finance]

8. **Bill No. 03-56**, A Second Supplemental Ordinance providing for the issuance and sale of **Berkeley County South Carolina, Water and Sewer System Revenue Bonds, Series 2003B**, in the principal amount of not exceeding \$3,500, 00; prescribing the form and details of such bonds; and other matters relating thereto. [Recommended by Committee on Water and Sanitation]

9. Bill No. 03-57, An Ordinance amending the **Code of Ordinances** of Berkeley County, South Carolina, **Solid Waste Hauler Surety Bonds**. [Recommended by Committee on Water and Sanitation]

Berkeley County Council Rules allows all bills to be given second reading by one motion as a collective group. Any member may object to a particular bill and it shall be separated from the collective group and handled by a separate motion.

SECOND READING:

1. Bill No. 03-58, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Edwardine Harrell**, 2479 N. Highway 17A, Macedonia, TMS #087-00-05-034, (32.88 acres), **from GC, General Commercial District and F-1, Agricultural District, to LI, Light Industrial District**. Council District No. 6.
[Recommended by Committee on Land Use]

2. Bill No. 03-59, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Amam Abbas**, 607 Myers Road, Summerville, TMS #222-11-00-066, (1 acre), **from GC, General Commercial District, to R-1MM, Multi-Section Residential District**. Council District No. 4. [Recommended by Committee on Land Use]

3. Bill No. 03-60, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Aaron & Eli Hyman**, Clements Ferry road and 1-526, Wando, TMS #271-00-02-146, (4.96 acres), **from R-IMM, Multi- Section Residential, to GC, General Commercial District**. Council District No. 8. [Recommended by Committee on Land Use]

4. Bill No. 03-61, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Robbie & Alan Brunson**, 1030 Cainhoy Road, Wando, TMS #263-00-01-010, (6.18 acres) **from R-2, Mobile Home Residential District, to GC, General Commercial District**. Council District No. 8. [Recommended by Committee on Land Use]

FIRST READING:

1. Bill No. 03-62, An Ordinance amending the **Berkeley County Water and Sanitation Authority Personnel Ordinance**, Berkeley County, South Carolina. [Recommended by Committee on Water and Sanitation]

2. Bill No. 03-63, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Gerald Morgan** 1147 College Park Road, Summerville, TMS #222-00-00-067, (21.59 acres), **from R-3, Mobile Home Park District, (6.97 acre portion), and R-1, Single Family Residential**

District, (14.62 acre portion), to GC, General Commercial District, (6.97 acre portion) and R-3, Mobile Home Park District, (14.62 acre portion). Council District 4.

[Recommended by Committee on Land Use]

3. Bill No. 03-64, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Eugene and Alesia Burns**, 152 Summer Lane, Summerville, TMS# 196-09-01-028, (6.08 acres), **from R-2, Manufactured Residential District, to R2-RF, Mobile Home Rural Farm Residential District.** Council District 6.

[Recommended by Committee on Land Use]

4. Bill No. 03-65, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Leslie B. Dyches, 1563 Ranger Drive, Cross, TMS# 065-00-00-088, (3.87 acres), from GC, General Commercial District, to F-1, Agricultural District.** Council District 7.

[Recommended by Committee on Land Use]

5. Bill No. 03-66, An Ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Clouter Point & Clements Ferry Properties, LLC, Clements Ferry Road, Wando, TMS# 271-00-01-035, (50.29 acres), from LI, Light Industrial District, to GC, General Commercial District.** Council District 8.

[Recommended by Committee on Land Use]

6. Bill No. 03-67, An Ordinance to reduce the assessment ratio applicable to general aviation aircraft subject to property tax in Berkeley County to four percent (4%) of the fair market value of the aircraft.

[Recommended by Committee on Finance]

7. Bill No. 03-68, An Ordinance to amend the **Agreement** for Development of a **Joint County Industrial Park** executed April 24, 1995, by and among **Berkeley County, South Carolina, and Williamsburg County, South Carolina**, providing for the development of a jointly owned and operated industrial/business park so as to include additional property in both Berkeley County and Williamsburg County as part of the joint County Industrial Park, and other matters relating thereto.

[Recommended by Committee on Finance]

8. Bill No. 03-69, An Ordinance authorizing, pursuant to Chapter 44 of Title 12, South Carolina Code of Laws, 1976, as amended, the execution and delivery of a fee agreement between Berkeley County, South Carolina and **DJL Land Company, LLC**; and matters relating thereto.

[Recommended by Committee on Finance]

9. Bill No. 03-70, An Ordinance authorizing: (1) acquisition by Berkeley County, South Carolina (the "county") of certain real and personal property; (2) a lease purchase agreement between the County, as lessor, and **Van Smith Block Company, LLC** as lessee, with respect to the personal and real property so acquired; (3) payment by such lessee of certain fees in lieu of Ad Valorem taxes; (4) the reconveyance of such property pursuant to the terms of such lease purchase agreement; (5) the placement of such real property into a multi-county industrial park and (6) certain other matters related thereto.

[Recommended by Committee on Finance]

10. Bill No. 03-71, An Ordinance to amend the Budget of the **Berkeley County Special Fire Tax District**, Ordinance Number 03-06-37, by providing for distribution other than those previously approved.

[Recommended by Committee on Finance]

RESOLUTIONS:

1. RESOLUTION providing for the Transfer of Funds in the 1003-2004 Berkeley County Budget for County Purposes other than as specified in said Budget.
[Recommended by Committee on Finance]

2. RESOLUTION to further identify improvements as defined in **Ordinance Number 03-07-42** and to proclaim recommended projects for the **2003 Berkeley County Bond Issue**.

[Recommended by Committee on Public Works and Purchasing]

3. RESOLUTION approving and authorizing the execution and delivery of an inducement and millage rate agreement by and between Berkeley County, South Carolina (the "county"), and Van Smith Block Company, LLC (the "Company"), whereby, under certain conditions, the County will (a) either acquire title to certain Industrial property for lease to the company or will enter into a fee agreement with the company with respect to such property and covenant in such lease or fee agreement to accept certain fees in lieu of *Ad Valorem* taxes with respect to such property and (b) agree to place such property in a multi-county industrial park.

[Recommended by Committee on Finance]

REPORTS FROM STANDING COMMITTEES:

- 1. Committee on Finance.**
Councilmember, Mr. Dennis L. Fish, Chairman.
- 2. Committee on Land Use.**
Councilmember, Mr. Milton Farley, Chairman.
Recommendations to Deny:

- a. **Request by Charlene Vaughn, 611 College Park Road, Ladson, TMS# 233-16-03-034, (1 lot), from R-1, Single Family Residential District, to GC, General Commercial District.** Council District 5.
 - b. **Request by CDJ, Inc., 591 College Park Road, Ladson, TMS# 242-04- 01-046, (1 lot), from R-1, Single Family Residential District, to GC, General Commercial District.** Council District 5.
 - c. **Request by Kenneth Reed, 1001 St. James Ave., Goose Creek, TMS# 223-00-00-010, (1.6 acres), from R-2, Manufactured Residential District, to GC, General Commercial District.** Council District 4.
 - d. **Request by Jimmie Green, et al, Harvest Time Place, Wando, TMS# 271 -00-02-022, (2.6 acres), from R-1MM, Multi-Section Residential District, to GC, General Commercial District.** Council District 8.
3. **Committee on Public Works and Purchasing.**
Councilmember, Caldwell Pinckney, Jr., Chairman.
Bids and Recommendations:
 1. MIS - AS 400 Replacement.
 2. Sheriff s Dept.: Three full sized utility vehicles.
 3. Roads and Bridges: Restricted purchase of Motorgrader.
 4. BCW&SA: Lower Berkeley WWTP Headworks Building improvement.
 4. **Committee on Justice and Public Safety.**
Councilmember, Mrs. Judy C. Mims, Chairman
 1. Sheriff s Dept.: Approval of Homeland Security Grant
 5. **Committee on Water and Sanitation.**
Councilmember, Mr. Steve C. Davis, Chairman.
 1. Standby Service area agreement with the Town of Moncks Comer
 6. **Committee on Planning and Development.**
Councilmember, Mr. Charles E. Davis, Chairman.
 1. Training for Board of Zoning Appeals.
 7. **Committee on Community Services.**
Councilmember, Mrs. Judith K. Spooner, Chairman.
 1. Berkeley County Library
 8. **Committee on Human Services.**

Councilmember, Mr. William E. Crosby, Chairman.

NOMINATIONS FOR MEMBERSHIP ON BOARDS, COMMISSIONS, ETC.

ACCOMMODATIONS TAX ADVISORY COMMITTEE
BCD COUNCIL OF GOVERNMENTS
BERKELEY COUNTY LIBRARY BOARD
BERKELEY-CHARLESTON-DORCHESTER - RTMA
CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS
HOUSING BOARD OF ADJUSTMENTS AND APPEALS
MENTAL HEALTH BOARD
PIMLICO SPECIAL TAX DISTRICT
SANTÉE COOPER COUNTIES PROMOTION COMMISSION
SPIERS LANDING COMMISSION
TALL PINES SPECIAL TAX DISTRICT
TAX ASSESSMENT REVIEW BOARD
TRIDENT WORKFORCE INVESTMENT BOARD

CORRESPONDENCE

UNFINISHED BUSINESS

1. D & S Debarment

NEW BUSINESS

ANNOUNCEMENTS

The NOVEMBER 2003, Regular Meeting of Berkeley County Council will be held on MONDAY NOVEMBER 17, 2003, IMMEDIATELY FOLLOWING PUBLIC HEARINGS AND THE MEETING OF THE COMMITTEE ON FINANCE AT 6:00 PM, in THE ASSEMBLY ROOM, 223 NORTH LIVE OAK DRIVE, MONCK'S CORNER, S. C.

ADJOURNMENT

EXECUTION OF DOCUMENTS BY COUNCIL

PUBLIC DISCUSSION

October 15, 2003
S/Barbara B. Austin
Clerk of County Council